

# 95191

## AN ORDINANCE

**AMENDING THE UNIFIED DEVELOPMENT CODE APPENDIX D  
(ENTITLED "ZONING DISTRICT CONVERSION MATRIX") TO  
PROVIDE A METHODOLOGY FOR PROPERTY OWNERS, WHOSE  
PROPERTY WAS ZONED PRIOR TO JUNE 28, 1965, TO REGISTER  
SUCH PROPERTIES TO BE EXEMPTED FROM THE EFFECT OF THE  
ZONING DISTRICT CONVERSION MATRIX TO THE EXTENT  
NECESSARY IN ORDER TO PROTECT THE REGISTERED USE OF  
THE PROPERTY, AND THE IMPOSITION OF A \$50.00 FEE FOR THE  
REGISTRATION OF THE EXEMPTION.**

\* \* \* \* \*

**WHEREAS**, prior to June 28, 1965, the City of San Antonio had a cumulative zoning scheme  
That was adopted in 1938; and

**WHEREAS**, significant numbers of properties within the City of San Antonio are zoned under  
the 1938 zoning scheme; and

**WHEREAS**, the 1938 ordinance set out specific uses that were permitted in each zoning district;  
and

**WHEREAS**, the City of San Antonio adopted an ordinance revising the Unified Development  
Code ("UDC") on June 1, 2001; and

**WHEREAS**, the revised UDC included a zoning district conversion matrix, the purpose of  
which was to convert all passed zoning designations to a compatible zoning designation under the  
revised UDC; and

**WHEREAS**, City Council desires to give those property owners who believe that the conversion  
table does not adequately provide for compatible uses between what was allowed under the 1938  
Zoning ordinance and what would be allowed under the zoning district conversion matrix the  
right to register such properties in order to preserve the status quo; and

**WHEREAS**, the City Council desires that such properties, once registered, be allowed to be  
continued to be used or to be used in the future, for the registered use that was permitted in the  
zoning district in which the property was zoned under the 1938 ordinance until and unless a new  
zoning case on the property was initiated that was ultimately approved by City Council; and

**WHEREAS**, the City Council deems that the right to register future uses should expire on the  
third anniversary of the effective date of the zoning district conversion matrix;

**WHEREAS**, the Zoning Commission of the City of San Antonio has concluded a public hearing on the matter and has forwarded a recommendation to the City Council; and

**WHEREAS**, City staff has made a recommendation: NOW THEREFORE;

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** City of San Antonio City Code of Ordinances Chapter 35 (entitled "Unified Development Code") Appendix D (entitled "Zoning district Conversion Matrix"), Subsection (b) entitled "1938 Zoning District") is hereby amended to add the Language which is under lined (added) as follows:

(b) "1938 Zoning Districts"

The zoning classifications established by the city prior to June 28, 1965, are referred to herein as "1938 Zoning Districts." Application of the Zoning district Conversion Matrix shall be as follows:

**1. Properties that are registered.**

?? **Registered Uses Recognized.** The implementation of the Zoning District Conversion Matrix notwithstanding, the reservation and preservation of the right to continue to use, or establish a future use of property as was authorized by the zoning regulations in effect prior to the adoption of this zoning District Conversion Matrix is hereby recognized provided that such property is registered with the City of San Antonio's Department of Development Services.

?? **Registration process.** Registration shall be accomplished by sending notice of the legal description of the property, a description of the particular use right (such as retail sales, multifamily housing, or manufacturing) to be reserved, and the property's 1938 zoning designation to the Director of Development Services by certified mail with payment of the \$50.00 registration fee. A blanket registration of all or several prior use rights shall not be accepted by director.

?? **Reserved Use.** A use registered in the manner prescribed immediately above shall referred to as a "reserved use." The registration of a reserve use shall have the effect preserving the subject property's 1938 zoning destination to the extent necessary in order to recognize the property owner's right to continue or establish the reserved use. As is the predominate rule of zoning such rights run with the land.

?? **Rezoning.** The registration of a reserve use shall in no way preclude the initiation of a zoning case. Should a zoning case be initiated on a registered property, which is ultimately approved by City Council, then in that case any rights derived pursuant to the registration procedures of this

section shall expire and be a nullity, and the new regulations, including those relating to non-conforming rights, applicable to the new zoning shall apply.

**2. Properties which are not registered. Any property which is not registered shall be subject to the following provision:**

Property designated as located within a "1938 Zoning District", as set forth in column (B) of table D-1, shall be deemed to be located in the zoning classification shown in column (C) of table D-1 unless otherwise noted.

**3. Registration Period.**

?? Upon the third anniversary of the effective date of the Zoning District Conversion Matrix the right of an owner of registered property to establish a future use shall expire and be a nullity.

?? Any property to which this Appendix D subsection (b) applies that is not registered on or before the expiration date described immediately above shall be subject to the provisions of this Appendix D subsection (b) 2.

?? Any property to which this Appendix D subsection (b) applies that is registered on or before the expiration date describes immediately above shall be subject to the provisions of this Appendix D subsection (b) 1.

**SECTION 2.** Should any article, section, par, paragraph, sentence, phrase, clause, or word of this ordinance for any reason be held illegal, inoperative or invalid or if any exception to or limitation upon the general provisions herein contained to be held unconstitutional, invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without proportion held to be unconstitutional or invalid or ineffective.

**SECTION 3.** It is officially found, determined, and declared that the meeting at which this ordinance is adopted was opened to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given as required by Texas Government Code Chapter 5514, and Texas Local Government Code Chapter 211.

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**SECTION 4.** It is further found that provisions of this ordinance are intended to protect the public health, safety and welfare and that a public hearing was held prior to the adoption of this ordinance as required by Texas Local Government Code Chapter 211.

This ordinance shall become effective ten (10) days after passage.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

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ORIGINAL COPY IN CITY CLERK'S OFFICE***

**M A Y O R  
EDWARD D. GARZA**

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVE AS TO FORM:

\_\_\_\_\_  
City Attorney

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